# COTTS IS HELD

To Await Action by the Criminal Court Grand Jury, on the

## CHARGE OF BEING A BARRATOR.

Colonel Arnett and Mr. Ryan Made the Arguments in Behalf of the Accused man, While Ex-Congressman Peudleton Presented the Case of the Prosecution, and Denounced Cotts in a Scathing Manner.

Yesterday afternoon, in the criminal court room, the barratry hearing in which W. J. Cotts figures as the defendant came to its conclusion, and Justice Greer decided to hold Cotts for action by the criminal court grand jury. Mr. Cotts gave \$500 bond for his anpearance and was released. Colonel W. W. Arnett and Mr. Richard Ryan argued the case for the defense, and Colonel Arnett's plea was one of considerable strength. For the prosecution, ex-Congressman John O. Pendleton made the best speech of his legal career; his denunciation of Cotts' methods was severe and unrelenting throughout, and it was not to be won-dered at that Mr. Colts at one or two points squirmed under the merciless fire directed at him, and protested by word of mouth. The arguments were heard by the largest/crowd that has been in evidence since the barratry hearing began. Next week the barratry proceedings against J. E. W. McCulley and Justice John G. Haberfield will be heard by Justice Greer.

# Mr. Pendleton Opens.

In opening, Mr. Pendleton said it was a fine showing for the people of Ohio county that in but one former instance had there been an arrest for barratry. He then read the language of the warrant served on Mr. Cotts. Barrator was deserved on Mr. Cotts. Earrator was designed in law as a common mover of suits and quarrels, whereby discord and disquiet are the outgrowth. There are two classes of charges against Cotts, the stirring up the tax informer suits and the bringing of the suits in courts having no jurisdiction. Proceeding, Mr. Pendleton showed the illegality of the tax informer proceedings, and alleged that Cotts McCharles and Plat and alleged. tax informer proceedings, and alleged that Cotts, McCulley and Bird entered into a conspiracy with certain justices of the peace and dragged citizens before them.

informer claims; no attorney except

In Jurisalction over fee claims or fax informer claims; no attorney except Colonel Arnett had ever contended otherwise. As to barratry, he cited an English opinion in support of the claim that a man can be guilty of barratry who institutes suits in his own name. As high handed a piece of vilialny as was ever perpetrated in Ohio county is the Sloan case. We all know it is illegal to collect more than 6 per cent interest, yet Cotts and Hasenauer compelled Sam Sloan to pay \$170 for the use of \$73. And they had him arrested by a justice of the peace on a criminal charge. Was there ever a Shylock who exacted so much from a creditor? Hasenauer knew he couldn't collect such a claim, and sold it to a peddler of broken down claims. What did Cotts do? He was guilty of the worst type of barratry, of blackmail of the vilest character, by arresting poor Sam Sloan on a criminal

arresting poor Sam Sloan on a criminal charge. This was one of the tricks of

charge. This was one of the tricks of Mr. Cotts. Then there is the Joe Green case.

Years ago he had a case which he won. Mr. Cotts acquires the alleged Anderson claim. Cotts goes to Green and says he will have him indicted by the grand

claim. Cotts goes to Green and says he will have him indicted by the grand jury unless he settles.

Next comes the Clarke-Bachmann case. Cotts hears there is such a claim, buys the, claim, tries to collect it, and then goes before "his convenient justice. John G. Haberfield," and swears out a warrant against Bachmann. Isn't this stirring up another's claim? Cotts testified his lawyer was a liar if he said he owned this claim. It will turn out, though, that Cotts owns the claim, and that his lawyer told the truth.

Isn't Cotts a common barrator? Doesn't he make it a business of buying other people's claims? Doesn't he go around harrassing people trying to collect these claims, which the constable has held five years not daring to try to collect them. Cotts said he had been connected with Colonel Arnett five years; the speaker wondered the colonel hadn't become more corrupted than hel had been by such a connection. (Laughter, during which the justice rapped for order.)

The Stifel claim was instanced; here

ter, during which the justice rapped to order.)

The Stifel claim was instanced; here was a claim, most of it outlawed, all of it paid before, and these people get \$15 from this reputable firm because they did not care to enter into litigation over such a little matter. Isn't this barratry and the stirring up of strife?

And then there are the Henry and Hillman cases. Executions issued at the instance of Cotts and posted at their places of business. Isn't this barratry? If not, the speaker never heard of barratry.

ratry.

The speaker congratulated the citizens of West Virginia that they have only one William J. Cotts living by such

Mr. Cotts, he said, likes law suits, and Mr. Cotts, he sald, likes law sults, and bought up the John Anderson fee claims, and entered suits to collect some of them. Here again citizens were dragged before the squires to enforce lilegal claims. Legally, he said, there was no foundation for these old, stale and unprofitable claims. Cotts did these things knowing the justices had no jurisdiction. isdiction.

## Mr. Ryan's Remarks.

Mr. Richard Ryan opened for the de-fense. He claimed a barrator is one who is not interested in the suit; otherwise every banker is a barrator. Cotts has won every suit he has brought in the courts of Ohio county, does that show he has proceeded illegally. Except in the tax cases Mr. Cotts has been directly interested, and there is nobody except Mr. Pendleton, who has testified he was only the clerk of Bird. Cotts had a right to sue Bishop Donohue; he had a right to sue Bishop Donohue; he had a right to protect his interests in the Mc-Colloch street lot, and the Wheeling & Elm Grove Railway Company and the Reymann Brewing Company are the barrators in this case if there are any such. There is no act in this state covering barratry; the only authority is Blackstone, and times have changed since Blackstone's time. Mr. Cotts had as much right to buy the Anderson claims as a bank has to deal in notes. There is no evidence Mr. Cotts collected any unjust claim; the only unjust claim was that of J. A. Henry which was not collected.

Col. Amett's Address. wise every banker is a barrator. Cotts

Colnel W. W. Arnett next spoke for the defense. He spoke of the manner of the instituting of this charge of bar-ratry. Bachmann, he said, had been ruled by feelings of malice and spite There is no element of barratry in this There is no element of barratry in this case, and he challenged criticism of this assertion. He believed he could convince the court of the truth of his claim. There was one case of barratry in this county, and the judgment of the lower court was only sustained because the appeal was not taken within thirty days. So there is no conviction on barratry in this state. In New York and Pennsylvania and some other states there are statutes on the subject; in this state there is none.

So far as the case of Cotts is con-

there are statutes on the subject; in this state there is none.

So far as the case of Cotts is concerned, there can be no barratry. He read from Mayo's Guide at some length in support of his position. There is, no barratry where the accused sues in his own right, even though the contention is groundless. This disposes of all of the cases brought in Cotts' own name. Anyhow, any citizen has the right to assert his own right as Mr. Cotts has done. The speaker said the reason the case against Clemans was, not set at the last term of court was that he was a candidate for office at the time.

As to the case of Bishop Donohue, he should be prosecuted if he violated the law. The law was, violated in the putting down of the steps at the Cathedral. In the Sloan case, the accusation was with foundation, said the speaker, and cited, the law bearing on the matter. No court can assert any citizen cannot prosecute a just claim, and the case against Sloap was a just claim. In every litigation instituted by Cotts there was cause. Barratry is the stirring up of quarrels between other people, the act of the busybody, and there is no such instance in this case. Such a thing is charged in the tax informer cases, but he would dispose of that accusation. But even if sults are encouraged between others and the motive is not for gain, there is no barratry.

As to the lax cases, if a man acts conscientiously he is not guilty of barratry. Here every man in the state is invoked

Dr. Mitchell says in difficult cases of Anemia, he adds cod-liver oil half an hour after each meal and he likes to use it in an emulsion; that he has watched with growing surprise some listless, feeble, creature gathering flesh, color and wholesomeness of mind and body from this treatment.

"Scott's Emulsion" is codliver oil combined with hypophosphites. It regenerates tissue, invigorates the nerves and brain, enriches the blood and adds fat and strength.

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### MUNYON'S MUCH OPPOSITION

I will guarantee that my Kidney Curo will cure 90 per cent. of all forms of kidney complaint and in many instances the To Appointment of Female Principal for Clay School many instances the most serious forms of Bright's disease. If the disease is complicated send a four-ounce vial of urine. We will analyze it and advise you free what to do.

MUNYON. COMMISSIONERS WON

Their Choice After a Gallant Fight at Board of Education Meeting-They had Selected Miss Laffcrty of Akron-Dr. Jepson Advised Strict Conformity With Vaccination Regulations by Principals.

MUNICIPALITY	
by law of the state to protect the interest of the state; is such a course of action barratry? Why, such a proposition is absurd, said the speaker. Here the man's cupidity is aroused by the law itself, which holds out to him a reward of five per cent, and there can be no barratry. True, the tax informers didn't go about it the right way; but did they pursue the wrong course intentionally? Of course not. Everywhere else, said the speaker, tax informer proceedings have been applauded by the press and public; he knew of but one reason for the hostile sentiment here,	The death knell of female principals was forecast at the board of education meeting last night, over the appointment of Miss Loretta Lafferty, of Akron, O., to the principalship of Clay school, made vacant by the recent resignation of Miss Elizabeth Clohan now superintendent of the Girls' Industrial Home, at Salem. Quite a debatt ensued on Miss Lafferty's appointment, which went through on a vote of 11 to 7, but the opposition shown to female
that a stranger brought the proceed- ings. Mr. Cotts was treasurer for Bird, and says he would have received more compensation if the proceedings had been successful. Cotts first met Bird through the latter entering information against him, and later he had become Bird's employe.  As to the Anderson claims, said Colo- nel Arnett, any man has the privilege of	principals bode III for similar recom- mendations in the future. Another im- portant transaction at the meeting was the communication from Health Officer S. L. Jepson, relative to the vaccination of school children. Superintendent Anderson's monthly report showed the following school sta-
buying claims as an investment. Everything "Jim" Cotts has done is not deserving of commendation, but we are not trying that question; he is the judge of that and so long as he does not go outside the limits of the law he is entitled to protection.  There is no case in which Cotts did not proceed in his own right. Where, then, is there barratry? He did not attempt to stir up strife between other persons, and unless this is done there can be no barratry. There must be an	SCHOOHS PART TO THE STREET TO
Improper motive at the bottom of it, too. With Mr. Cotts, there was no improper motive; he had the right to assert his proper claims.  Mr. Pendleton Closes.  Mr. Pendleton then closed for the prosecution. Justices of the peace have no jurisdiction over fee claims or tax	Washington         356         429         47         91         125           Maddison         656         548         6         22         21           Clay         652         440         54         83         114           Union         485         443         33         193         170           Centre         589         278         55         80         73         190
informer claims; no attorney except	The committee on public library re-

The committee on public library recommended an increase of \$3,000 on the insurance held on the library books. The insurance at present is \$7,000, and it was \$4,000 until last September. A rough estimate values the books at \$20,000. The board passed on bills totaling \$235 66 submitted by this committee; but referred the insurance feature back to the committee.

Mr. Schaub offered a resolution calling for the introduction of stenography and typewriting as elective studies in the second year of the high school course. The resolution was referred to the committee on teachers and schools

The following communication from Dr. Jepson, the city health officer, was read, and it speaks for itself:

WHEELING, W. Va., March 16.
To the Board of Education:

To the Board of Education; GENTLEMEN;—I desire to call your at-tention to rule 169 which provides that no pupil shall be admitted into any school in this district who cannot furnish satisfac-tory evidence that he or she has been vac-cinated or otherwise secured against small

It is a well known fact that this rule is VAAAAAA



LITTLE BOOK "INFANT HEALTH" SENT FREE, Should be in Every House. NY CONDENSED MILK CO. NEW, YORK. A MEDICINE-A STIMULANT,



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For affections of the throat and lungs, safeguard against pneumonia. Ho tho takes it may be as well at home as he spent the winter in the Adiron-nek woods. io spent the winter in the Auro-sk woods, amphlet for the asking, DUFFY MALT WHISKEY CO.,

Rochester, N. Y.

symplotely ignored except when small pox provals in the city. Sometimes the principals and cometimes the local commissioners lake the responsibility for auch violation of this rule. The unable to see what right any principal man unable to see what right any principal mans unchanged the the bord one and it endered or permitted to do so by the local commissioners. Just as legally may a principal ignore the rule requiring the school to open at a fixed hour each morning.

Since practically no vaccination has been done since 1836 the schools now contain hundreds of children who are totally unprotected against small pox—abundant inaterial for a wide-spread epidemic which might close the schools for the entire remainder of the year. With your rule rigidly and persistenly enforced no circumstances could ever arise rendering the closing of the schools necessary of account of small pox.

The reason for my calling your attention to this subject just now is the unusual prevalence of small pox.

The reason for my calling your attention to this subject just now is the unusual prevalence of small pox.

The latest official reports show that the disease is present in Pittiburgh and several places above and below this city. During the past few weeks there have occurred about 200 cases in Cincinnatt, 100 in Columbus, 150 in Cleveland, 250 in Washington City and Alexandria, Va., 600 in Norfolk, Portsmouth and Newport News, Va. The discase prevails to a less extent in very many other places.

For the above reasons I respectfully urge that the principals of the schools be directed to enforce rule 109 rigidly, and that they be instructed that they have no right to at any time is nore this rule.

Very respectfully, St. LEPSON, M.D., Health Officer.

Miss A. B. Wilson, public librarian presented the report of the library for February. It showed a total circulation of 7,129 books and periodicals, of which 6,211 were fiction, 194 history, 339 history; average daily circulation 309; amount received from fines \$12.

Mr. Ford introduced a resolution pro viding for the taking of an inventory of the public library, with a view of ascer-taining the need of increased insurance. It was adopted.

On motion of Mr. Maxwell, the superintendent was instructed to enforce the vaccination rule.

Miss Florence Ames, of Jackson, Mich., sent in an application for the position of superintendent of drawing, which was accompanied by testimonials and her photograph. Miss Ames' application was filed until the board shall de cide on creating this office.

The Clay commissioners reported the resignation of Miss Elizabeth Clohan and asked for the confirmation of the action of the commissioners in selecting Miss Loretta Lafferty as principal of Clay school. Mr. Noble stated that it was his belief

and of other commissioners that male principals were superior, hence he moved to refer the selection back to the ommittee.
Mr. Jefferson said Clay commissioners

omittee.

Mr. Jefferson said Clay commissioners had also an opinion. He paid warm tribute to Miss Lafferty's abilities. Mr. Jefferson wanted to know if a crusade against women had begun, and he said it was too late in the nineteenth century, especially in educational work, to talk down women principals. Continuing, Mr. Jefferson said Clay had had a woman principal for twenty years, and one of them, Miss Clohan, was the perof any school principal in the city.

Anti-woman deportment was the proper person to strike terror to the hearts of bad boys, but on the other hand was woman's tact and finesse. In schools taught by women the average of scholarship and deportment was equal to those taught by men. Mr. Jefferson said Clay had had a woman by the city and the state for a principal for Clay district. If it came to a question of female principals, moved to confirm the action of Clay commissioners, Mr. Jefferson, Dr. Hildreth and the speaker, would resign. Not to appoint another another woman principal, would mark a tribute to woman.

Mr. Schaub opposed the selection for the reason that he didn't consider it to treason that he didn't consider it to meessary to go outside the city and the state for a principal, would oppose the former.

Mr. Maxwell, who had previously moved to confirm the action of Clay commissioners, and on them, the commissioners, Mr. Jefferson, Dr. Hildreth and the speaker, would resign. Not to appoint another another wound principal, would mark a truth to mediaeval times. The judge closed his eloquent somant to appoint another another wound principals. On the return to mediaeval times. The judge closed his eloquent woman principal, would principal so the state for a principal for Clay district. If it came to a question of

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# FRANK STANTON, Wheeling, W. Va.

ought to be men, and he was followed by Colonel Miller, whose chief comment was on the haste employed by Clay commissioners in making the selection. The vacancy occurred at 10 a. m. and was filled at 4 p. m. the same day, consequently the commissioners were censured and criticized for their haste, for it looked as though it was done to shut off other applicants. Further, Colonel Miller said it couldn't be denied that one or two male teachers were useful in a school, nor could it be denied that the board had appointed women to nearly every position in the schools.

Replying to the charge of haste, Judge Cranmer said he had opposed haste in the selection. Five or six applications were received, and it was apparent that Miss Lafferty's credentials far outshone the others. She presented credentials from school boards and principals in New Philadelphia, Beaver and Toledo, and it was shown also that she had studled in Europe. It was the judgment of the other commissioners that they act at once, and Judge Cranmer acquiesced. The judge charged the opposition to "some soreheads," and he cited the rules to show that the board had no other course than to ratify the action of the commissioners. He took it that the board had no right to refer the selection back, and should it do so he intimated that believing it was a censure on them, the commissioners, Mr. Jefferson, Dr. Hildreth and the speaker, would resign. Not to appoint another another woman principal, would mark a return to mediaeval times. The judge closed his eloquent speech with a tribute to woman.

Mr. Schaub opposed the selection for the reason that he didn't consider it

schools, he felt bound to vote for a confirmation.

Mr. Battelle cited a clause in the ma law to show that the approval of board was necessary in appointing teacher, which clause he believed the gated the rule cited by Judge Crame.

Dr. Hildreth made his maiden speat supporting Miss Lafferty's selectic selectic selection of the dead of choosing has teachers exclusively. It was for the best interests of most schools to git teacher from outside. Clay school hasid, is one of the best in the city at it always had a woman principal. "In best for the money" ought to be the watchword, whether the teacher seat thome or abroad. Much of the kaltalent had been appointed because for needed the appointment. Dr. Hilfren made a spiendid argument, brad, beral and full of pith.

Another opponent to woman principals was developed in Dr. Eirne, In would like to see the higher gais taught by men. A few years ago, still the doctor, Washington commission talked of getting foreign talent to the the standard. That year the teacher docked to the West Liberty norm school to better educate themselval.

Mr. Dudley intimated that a stuly the class averages would redound to be credit of women principals.

Colonel Miller said there had betal good deal of buncombe, far fetable arguments and highfalutin' talk to mate the 'impression that the meaker in favor of male principals were attaling woman's abilities and he wand them set right.

The vote to refer the controvers but to the commissioners with instruction to report a male principal, resulted its defeat, 7 to 11. The appointment of ye commissioners from Clay.

"CITY OF PITTSBURGH"

### "CITY OF PITTSBURGH" And her Trip to New Orleans and Er

turn are Exciting Interest. The new packet City of Pittsburg and her approaching trip to New 0 leans and return are exciting consider ble interest in this city which wi heightened yesterday by the arrival Mr. Alva L. Voegtly, one of the best clerks, who will be in the city to-wand to-morrow to book local people of

temporarily.

The big side-wheerer is now at Marietta, but will pass up in a day or ter for Pittsburgh. She leaves Pittsburgh on the trip to New Orleans next Tul-

siring to take the New Orleans trip. H is located in the McLure house blod

on the trip to New Orleans next Tarday afternoon, and leaves Wheeling is same day at 10 p. m.

The City of Pittsburgh was built in Marietta and is of the following discisions: Length of Reel, 294 feet; issay over all, 300 feet; breadth of beam, 6 feet 6 inches! width over all, 79 feet inches; depth of hold, 6 feet 2 inches is lowest part; side wheels 22 feet inches; depth of hold, 6 feet 2 inches in lowest part; side wheels 22 feet in 6 ameter, 14 6 inch bucket. She has 36 length cabin with promeande guards i way round, sixty state rooms in min cabin, twelve on intermediate dethirty-two in texas; total number a borths, 225; also observation room for ward of texas; pantry and kitchen uit most improved modern out; bare shop, bath rooms, hot and cold was stationary wash stands, electric light and call-bells in each state room.

This boat has Scoten marine bolist the same as used on ocean and lait vesaels. There are three of them, est of the following dimensions, 168 in, diameter by 14 feet 6 inches to distributed for the following dimensions, 168 in, diameter and the constructed of marine 5,007 S. steel. Two high pressure engines \$3.8 inches in diameter and tenges \$3.8 inches in diameter an

He Fooled the Surgeons

He Fooled the Surgeons.

All doctors told Renick Hamilton of
West Jefferson, O., after suffering if
months from Rectal Fistula, he wid
die unless a costly operation was jeformed; but he cured himself with a
boxes of Bucklen's Arnica Salve, it
surest Plie cure on Earth, and the teSalve in the World. Scents a box set
by Logan Drug Co., druguist.

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We Make and Sell the Best Furniture Polish in the World. Pint Bottles 50 Cents.

only one William J. Cotts living by such barratrous proceedings.

Then there is the Egerter claim. Here Cotts tells Leiner he wants to make it hot for Mrs. Egerter: that claim was bought to get even with somebody, with Mr. Reymann, we are told, said the speaker.

Next comes the Bishop Donohue case. He not only persecuted Bishop Donohue, Sam Sloan, Joe Green, Harry Eachmann, but in addition he writes a threatening letter to Mr. Reymann—says he will stop a railroad in Fulion and indict the Wheeling Park Association; all this he will do unless Mr. Reymann buys his little piece of ground. At this point Mr. Cotts and Colonel Arnett interfered, but were called to order by the justice. Mr. Pendicton read the threatening portion of the letter from a copy of the Intelligencer which he picked up from the table. Too much association with Mr. Cotts, said the speaker, has given Colonel Arnett wrong ideas of the law in this case, and the speciators again laughed.

The informer is the vileat of beings in Ireland; yet we are told that the tax informers should be respected in this community. The speaker then criticized in the most severe terms the tax informer crowd. Cotts says he was Bird's clerk; on the contrary, said the speaker, he was the "head devil" of the whole aggregation.

This man should be held to the grand Jury of the criminal court to answer these charges of misdoing. An example should be made, and in the future honest clitzens should not be harrassed by petty, mailclous law suits.

Colonel Arnett asked the justice to reserve his decision so he might look into the law he had submitted in the course of his argument.

Justice Greer replied that he had given the evidence careful consideration, and that he had secured from law-yers books of law bearing on the matter at issue, which he had investigated thoroughly. He had found this court to be only a court of inquiry, and after mature consideration he had determined to hold the defendant, requiring him to give bond in the sum of \$500 for bis appearance before the crimi STORAGE Sale of Household Goods to-day.
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